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CTIA

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August 10, 2000

RECEIVED

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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
12th Street Lobby, TW-A325
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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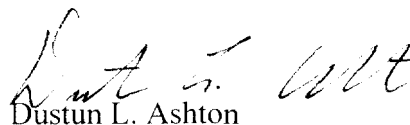
**Re: Ex Parte Presentation
CC Docket No. 94-102**

Dear Ms. Salas:

On August 9, 2000, the Cellular Telecommunications Industry Association ("CTIA") represented by Brian Fontes, Senior Vice President for Regulatory Policy Law and Administration, and Andrea Williams, Assistant General Counsel, and Jim Nixon, VoicStream, Glen Rabin, ALLTEL, Jim Goldstein, Nextel, Luisa Lancetti, Wilkinson Barker Knauer & Quinn (counsel for Verizon Wireless) and Jon Chambers, Sprint PCS met with Adam Krinsky, Legal Advisor to Commissioner Tristani. The parties discussed issues related to the Petition of the Texas Commission on State Emergency Communications for FCC compliance oversight regarding the six-month deadline for implementation of wireless E9-1-1 Phase I service and conditional Petition for maximum sanctions against carriers for violations of the FCC's wireless E9-1-1 rules related to those wireless carriers not operational by August 31, 2000. CTIA's position is set forth in the attachments.

Pursuant to Section 1.1206 of the Commission's Rules, an original and one copy of this letter is being filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,


Dustun L. Ashton

Attachment(s)

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WIRELESS E911 PHASE I DEPLOYMENT IN TEXAS

Since 1997, wireless carriers serving the State of Texas ("wireless industry") and the staff of the Texas Advisory Commission on State Emergency Communications (Texas CSEC) have been working towards achieving a common goal: *implementation of Phase I E9-1-1 wireless service in Texas*. The Texas CSEC, wireless carriers and local PSAPs have encountered significant challenges in their efforts to work together to deploy Phase I service in accordance with the FCC's rules. While each party brings a different perspective or philosophical approach to the implementation process and the associated contractual and technical issues, there has never been any doubt as to the common goal. The wireless industry, the Texas CSEC, and the Texas PSAP community agree that implementation of Phase I will not be successful without extensive coordination, reasonableness, and timely efforts by all the parties, including the LECs and equipment vendors which have significant roles in the implementation process.

This is an opportunity for the Texas CSEC and the wireless industry to determine what can be realistically achieved in the remaining few weeks before the August 31st deadline. More important, this is an opportunity for the parties to develop a framework on how to move forward with the deployment of Phase I service in Texas. Thus, the wireless industry's goal at this meeting is to work with the relevant parties to identify the issues and challenges that have delayed Phase I deployment and establish a framework that will facilitate progress. In an attempt to facilitate the discussion, CTIA has compiled a list of common challenges that wireless carriers have encountered in their earnest attempt to deploy Phase I within the requisite period of time. While this is not an exhaustive list, the wireless industry welcomes the opportunity to work with the Texas CSEC to identify other challenges.

COMMON CHALLENGES EXPERIENCED BY TEXAS WIRELESS CARRIERS

- I. Lack of Coordination and Burdensome Administrative Process**
 - A. Excessive and redundant requests for data (Exhibits)
 - B. Protracted negotiations as a result of refusal to amend CSEC draft agreement
 - C. Getting signed contracts back from the COGs in a timely manner
 - D. No formalized E911 implementation team within a LEC to handle trunking requests for wireless E9-1-1 implementation
- II. Technical Issues**
 - A. Interoperability of carrier switch with CAS and NCAS solutions
 - B. Failed Tests - Identification of problem, modification, and retest
- III. Prompt Delivery and Positioning of Necessary Trunks**
 - A. Average requisition - maximum of 25 to 30 days
 - B. Expedited requisition - maximum of 15 days if requested by a PSAP
 - C. Implementation and testing of the trunks in the system - average of 7 to 10 days (testing requires coordination with the LEC)

History of Wireless 9-1-1 in Texas

Prior to 1997:

Prior to 1997, wireless customers generally were not assessed a 9-1-1 fee in Texas. A few 9-1-1 entities had begun to impose fees on wireless subscribers on a one-by-one basis. These fees ranged from approx. \$.20 to \$.75 cents per subscriber, per month.

The wireless carriers began to work together on proposed legislation that would standardize the fee and collection procedures for wireless 9-1-1 to relieve the burden on carriers for collection and administration of the fees. During our deliberations, the industry also worked with the staff at the Advisory Commission on Emergency Communications ("ACSEC") and several other 9-1-1 entities to reach a compromise on the legislation.

During the 1997 Legislative Session:

During the legislative session, several home-rule cities opposed the legislation due to the reduced fee amount being proposed on a statewide basis. The proposed amount is the current \$.50 per subscriber, per month. The reason for their opposition is the fact that those home-rule cities were, at the time, charging more than the \$.50 to wireless subscribers and they did not want a reduced revenue source. Therefore, the compromise that was reached to appease these home-rule cities is the current funding mechanism whereby wireless carriers charge all customers \$.50 per subscriber, per month. The money is remitted to the ACSEC directly. The ACSEC disburses the money to the 9-1-1 entities across the state based on the entity's population as a percentage of the total state population.

The legislation specifically provided for the revenue generated from the service fee to be used for enhanced wireless 9-1-1 services. The statute clearly states the following:

"To provide for automatic number identification and automatic location identification of wireless 9-1-1 calls..."

"The money collected under subsection (b) may be used only for services related to 9-1-1 service, including automatic number identification and automatic location information services."

"On receipt of an invoice from a wireless service provider for reasonable expenses for network facilities, including equipment, installation, maintenance, and associated implementation costs, the advisory commission or an emergency services district of a home-rule municipality or an emergency communications district created under Chapter 772 shall reimburse the wireless service provider in accordance with state law for all expenses related to 9-1-1 service."

1997 through 1998:

The highlights of wireless 9-1-1 in Texas between 1997 and 1998 are as follows:

- ACSEC, the wireless industry, and various 9-1-1 entities worked together on a standardized agreement for Phase I service, reasonable costs for Phase I and other details related to implementation of Phase I in Texas.
- Very few, if any, 9-1-1 entities request Phase I service.
- Wireless carriers, Local Exchange Companies (LECs), and 3rd party vendors develop various solutions to implement Phase I across the United States.

1999 to Today:

The highlights of wireless 9-1-1 in Texas from 1999 to the present are as follows:

- During the 1999 legislative session, approximately \$3 million in appropriations from wireless 9-1-1 revenues were carried over from the past legislative session because Phase I had not yet been implemented. The legislature initially proposed to recapture that money into the general fund. ACSEC and the wireless industry work together to retain that funding contingent upon implementation of Phase I by August 31, 2000. The legislature approved the contingent funding and the legislative session adjourned in May, 1999.
- Between October and December 1999, the ACSEC began requesting Phase I service for the state program areas.
- ACSEC and the wireless industry have encountered numerous delays and hurdles during the implementation of Phase I.
- The deadline imposed by the legislature is approaching in a few weeks whereby the \$3 million will be recaptured by the legislature for the state's general fund.